

#4
DOCKET NO. 239/104
-- PATENT --
5-7-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:) Group Art Unit [Parent Case]: 2745
)
Robert C. Dixon) Examiner [Parent Case]:
) Banks-Harold, M.
Serial No.: not yet assigned)
)
Filed: herewith)
)
For: WIRELESS CELLULAR)
COMMUNICATION SYSTEM (AS)
AMENDED))

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION [37 CFR 1.321(b)]**

Identification of Person(s) Making This Disclaimer

I, CHRISTOPHER A. VANDERLAAN, represent that I am

- _____ an inventor of this invention
_____ an assignee of this invention
_____ a representative authorized to sign in behalf of the assignee identified below.
 X an attorney or agent of record for this application.

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CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EM 351251479 US) in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

December 31, 1998
Date of Deposit
LA-67330.1

Connie Kwon
Connie Kwon

Identity of Assignee and Title of Disclaimant (if applicable)

The assignee is

Name of assignee: Omnipoint Data Company, presently known as Omnipoint Corporation

Address of assignee: 1365 Garden of the Gods Road, Colorado Springs, Colorado 80907

Title of disclaimant authorized to sign on behalf of assignee. _____

Recordal of Assignment in PTO (if applicable)

X The assignment was recorded on June 10, 1991,
Reel 5747, Frames 081
and subsequent Change of Name and Address of Assignee from Omnipoint Data Company to
Omnipoint Corporation was recorded on August 20, 1996,
Reel 8095, Frames 0429.

____ Authorization for recordal of the assignment is separately attached, and was mailed to the U.S.
Patent and Trademark Office on _____.

Extent of Interest

The extent of the Assignee's interest in the instant application is to

X the whole of the invention.
____ a sectional interest in the invention as follows [*here state the exact interest of the disclaimant(s)*]:

**Establishing Right of Assignee to Take Action (37 CFR 3.73(b))
(if applicable)**

____ I, the undersigned, have reviewed all the documents in the chain of title of the patent
application identified above, and to the best of my knowledge and belief, title is in the
assignee identified above.

Disclaimer

The terminal part of any statutory term of any patent granted on the above-identified application, which
would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

X United States Patent No. 5,640,674, as presently shortened by any terminal
disclaimer,

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____ Any patent granted on Application Serial No. _____,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to:

 X United States Patent No. 5,640,674.

____ Any patent granted on Application Serial No. _____.

This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim any terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of:

 X United States Patent No. 5,640,674, as presently shortened by any terminal disclaimer,

____ Any patent granted on Application Serial No. _____

in the event that the prior patents later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), have all claims cancelled by a reexamination certificate, are reissued, or are otherwise terminated prior to expiration of their full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Status

(37 CFR 1.20(d) and 37 CFR 1.321)

 X Other than a small entity -- fee \$ 110.00

____ Small entity -- fee \$ 55.00

____ A verified statement is attached.

____ A verified statement was filed on _____ in parent application Serial No. _____.

Fee Payment

 X Attached is a check covering the sum of \$ 110.00.

 X Charge Deposit Account No. 12-2475 for any fee deficiency required by this paper.

____ Charge Deposit Account No. 12-2475 the sum of \$ _____. A duplicate of this disclaimer is attached.

 X For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

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_____ As I am not registered to practice before the Office, the undersigned is an attorney or agent of record. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

 X The undersigned is an attorney or agent of record.

LYON & LYON LLP

Dated: DECEMBER 31, 1998

By: _____

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Attorney for Applicant

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